

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**CARLOS M. SMITH,
Plaintiff,**

v.

**STATE OF OHIO, *et al.*,
Defendants.**

**Civil Action 2:20-cv-784
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers**

OPINION AND ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on July 20, 2020. (ECF No. 4.) The Report and Recommendation recommended dismissal of this case pursuant to 28 U.S.C. § 1915A for failure to state a claim or to assert any claim over which this Court has subject matter jurisdiction.

This Court has twice attempted to mail the Report and Recommendation to the plaintiff, and both times had the mail returned as undeliverable. Plaintiff has an affirmative duty to notify the Court of any change in address. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (“If [*pro se* Plaintiff’s] address changed, she had an affirmative duty to supply the court with notice of any and all changes in her address.”); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“[W]hile *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues . . . there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend.”); *Walker v. Cognis Oleo Chem., LLC*, No. 1:07cv289, 2010 WL 717275, at *1 (S.D. Ohio Feb. 26, 2010) (“By failing to keep the Court apprised of his current address, Plaintiff demonstrates a lack of prosecution of his action.”).

This plaintiff, Mr. Smith, was incarcerated at the Fairfield County Jail at the time of the filing of this case. The website for the Ohio Department of Rehabilitation and Correction reflects that Plaintiff is, in fact, a “violinator at large” and is considered a fugitive. The Court hereby takes judicial notice of this fact.

Therefore, the Court **ADOPTS** the Report and Recommendation. For the reasons set forth in the Report and Recommendation, Mr. Smith’s case is hereby **DISMISSED**.

IT IS SO ORDERED.

6/23/2021
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE